

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MAURICE NEWMAN,

Plaintiff,

-against-

MOLLY PARK, KIRSIS HAM, and THE
CITY OF NEW YORK,

Defendants.

24-CV-6829 (JPC) (JW)

ORDER OF SERVICE

JENNIFER E. WILLIS, United States Magistrate Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendants violated his due process rights under the Fifth and Fourteenth Amendments. See Dkt. 1. By order dated September 18, 2024, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees. Dkt. 5.

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ Walker v. Schult, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); see also 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

¹Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

To allow Plaintiff to effect service on Defendant Kirsis Ham through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

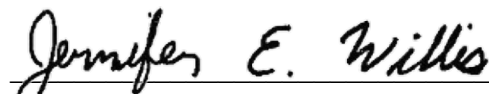
CONCLUSION

The Clerk of Court is respectfully requested to issue a summons for Defendant Kirsis Ham, complete the USM-285 form with the address for Defendant Kirsis Ham, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is respectfully requested to mail an information package to Plaintiff.

SO ORDERED.

DATED: New York, New York
January 10, 2025


JENNIFER E. WILLIS
United States Magistrate Judge

SERVICE ADDRESS FOR EACH DEFENDANT

1. Kirsis Ham
92-31 Union Hall Street
Jamaica, NY 11433